

**AFFIDAVIT OF NONDEVELOPMENT  
AND NONPAYMENT OF DELAY RENTALS** 1297096-002  
10529229

I, Stephen Burge, of 7828 silver Lake Court, Westerville, OH 43082, being of lawful age and duly sworn, do hereby depose and state the following:

Affiant hereby states that (he/~~she~~) is the owner of an undivided interest in the oil and gas rights under certain lands situate in the District of Cameron, Marshall County, West Virginia, being further described as follows:

Tax Parcel No. 8 parcels 20.25, & 25.1

Bounded formerly or currently as follows:

On the North by lands of John L. Muller, etux, George L. Silver etux;  
On the East by lands of James Robert Robinson, etux;  
On the South by lands of L. Lewis;  
On the West by lands of William H. Cumpston, Jr. etux;

And more specifically described in a deed dated October 31, 2008, and recorded in Deed Book 674, at page 18, of the deed records of said county and state.

SD

Affiant further states that during the time of his/her ownership of the aforementioned rights in the above described lands, there (has/~~has not~~) been various oil and gas leases executed for the purpose of exploring for oil and gas. Affiant is also aware that there may have been other oil and gas leases executed by predecessors in title to the above described lands. Affiant further states that for a period of at least 20 + years there has been no delay rental payments paid to Affiant, in money or otherwise, nor have such payments been deposited to Affiant's credit in any named bank. Affiant further states that (he/~~she~~) will not accept any delay rental or other payments after the date of execution of this Affidavit that would perpetuate any of said prior leases.

Furthermore, Affiant states that to the best of (his/~~her~~) knowledge there is no production of oil and/or gas from the above described lands and that (he/~~she~~) is not aware of any drilling, exploration, or development activities of any nature or kind conducted on said lands. Affiant also states that no production royalties and/or shut-in royalties have been paid effectively perpetuating any prior leases.

Further Affiant sayeth naught.

AFFIANT:

Stephen Burge  
Stephen Burge

Jan Pest  
MARSHALL County 11:43:02 AM  
Instrument No 1285597  
Date Recorded 05/05/2010  
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Pages Recorded 1  
Book-Page 700-282  
Recording Fee \$5.00  
Additional \$6.00

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My Commission Expires: \_\_\_\_\_

Signature/Notary Public \_\_\_\_\_  
Name/Notary Public (print): \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF Ohio

COUNTY OF Franklin

On this the 17<sup>th</sup> day of February, 2010, before me, the undersigned authority, personally appeared Stephen Burge, who, being duly sworn according to law, deposes and says that he executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 10-23-13

R. Marie Brown  
Signature/Notary Public \_\_\_\_\_  
Name/Notary Public (print): \_\_\_\_\_

NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires 10-23-13

This instrument prepared by: Chesapeake Appalachia, L.L.C., 6100 N. Western Avenue, Oklahoma City, OK 73118

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 17<sup>th</sup> day of February, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 5<sup>th</sup> day of May, 2010 at 11:43 o'clock A.M.

TESTE: Jan Pest Clerk.